

Appendix A

The history of claim 1 to date, including the Examiner's actions and Applicant's responses

CLAIM 1 AS FILED

1. A prosthetic hip for supporting on a patient a prosthetic leg having an upper end, comprising:

a socket having an outer surface;

a mount on said outer surface and defining a joint axis, said joint axis substantially coinciding with the natural axis of rotation of the patient's natural leg when rotated in a sagittal plane; and

a first member adjustably affixed to said outer surface, said first member including an extension stop member;

the upper leg end being pivotably mounted on said mount such that the leg is pivotable about said joint axis and pivoting of the leg in at least one direction is limited by said extension stop member.

FIRST OA

No § 112 Rejection. Rejection over Kristinsson

FIRST ROA

1. (Original) A prosthetic hip for supporting on a patient a prosthetic leg having an upper end, comprising:

a socket having an outer surface;

a mount on said outer surface and defining a joint axis, said joint axis substantially coinciding with the natural axis of rotation of the patient's natural leg when rotated in a sagittal plane; and

a first member adjustably affixed to said outer surface, said first member including an extension stop member;

the upper leg end being pivotably mounted on said mount such that the leg is pivotable about said joint axis and pivoting of the leg in at least one direction is limited by said extension stop member.

Claim not amended, on the grounds that Kristinsson does not teach the claimed invention.

FINAL OA

*The Examiner states that he "has only given patentable weight to the mount but **has not given patentable weight to the functional axis of the joint axis**" Applicant asserts that the recitation is structural.*

SECOND ROA (after final)

1. (Currently amended) A prosthetic hip for supporting on a patient a prosthetic leg having an upper end, comprising:

a socket having an outer surface;

a mount on said outer surface so as to define a joint axis ~~and defining a joint axis, said joint axis that substantially coincides coinciding~~ with the natural axis of rotation of the patient's natural leg when rotated in a sagittal plane; and

a first member adjustably affixed to said outer surface, said first member including an extension stop member;

the upper leg end being pivotably mounted on said mount such that the leg is pivotable about said joint axis and pivoting of the leg in at least one direction is limited by said extension stop member.

Applicant amends the claim to clarify structural nature of limitation.

ADVISORY ACTION,
amendment not entered

THIRD ROA (filed with RCE)

1. (Currently amended) A prosthetic hip for supporting on a patient a prosthetic leg having an upper leg end, comprising:

a socket having an outer surface;

a mount on said outer surface, said mount ~~and defining a joint axis, said mount being positioned on said surface such that said joint axis substantially passes through the center of rotation of coinciding with the natural axis of rotation of the patient's natural hip joint leg when rotated in a sagittal plane~~; and

a first member adjustably affixed to said outer surface, said first member including an extension stop member;

the upper leg end being pivotably mounted on said mount such that the prosthetic leg is pivotable about said joint axis and pivoting of the leg in at least one direction is limited by said extension stop member.

FOURTH OA

Examiner states that Kristinsson reads on the claims, saying "substantially passes" doesn't say how close "substantially" is.

FOURTH ROA

1. (Currently amended) A prosthetic hip for supporting on a patient a prosthetic leg having an upper leg end, comprising:

a socket having an outer surface;

a mount on said outer surface, said mount defining a hip joint axis, said mount pivotally supporting the upper leg end such that the prosthetic leg is pivotable about said hip joint axis during walking, said mount being positioned on said surface such that said hip joint axis substantially passes through the center of rotation of the patient's natural hip joint; and

a first member adjustably affixed to said outer surface, said first member including a an extension-stop member, said stop member extending so as to prevent the prosthetic leg from pivoting too far;

~~the upper leg end being pivotably mounted on said mount such that the prosthetic leg is pivotable about said joint axis and pivoting of the leg in at least one direction is limited by said extension-stop member.~~

FIFTH OA

Examiner rejects claim 1 under § 112, stating that the specification discloses "substantially coinciding with the natural axis of rotation" and claim must be amended to include that recitation.